RECEIVED
CENTRAL FAX CENTER
MAY 07 2007

REMARKS

Favorable reconsideration of this application is respectfully requested. Claims 1, 10, 20, and 21 are amended to remove the term "hemoglobin degradation product." No new matter has been added, and Applicants respectfully submit that these amendments do not raise new issues and request that they be entered. Claims 1, 3, and 6-21 are pending.

Claims 1, 3, and 6-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The rejection is rendered moot, as the term "hemoglobin degradation product" has been removed from the claims. Applicants do not concede the correctness of the rejection, however, they request that the rejection be withdrawn because the language at issue has been removed.

Claims 1, 3, and 6-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komori et al. (US 2002/0025546) in view of Oshiro et al (US .

Claim 1 is directed to a method for measuring an analyte in a sample containing hemoglobin that includes, among other features, that prior to the redox reaction, adding at least one of a selected group of sulfur-containing compounds, or adding a combination of at least one of the sulfur-containing compounds and adding at least one of a selected group of nitrogen-containing compounds. Claim 20 is directed to a method of measuring glycated protein in a sample containing hemoglobin. As with claim 1, claim 20 includes, that prior to the redox reaction, adding at least one of a selected group of sulfur-containing compounds, or adding at least one of the selected sulfur-containing compounds and at least one of a selected group of nitrogen-containing compounds. Differently from claim 1, claim 20 further recites sodium lauryl sulfate as a sulfur-containing compound. Claim 21 is directed to a method of measuring an analyte in a sample containing hemoglobin that includes, among other features, that prior to the redox reaction, adding at least one of a sulfur-containing compound, or at least one of a nitrogen-containing compound. Claim 21 does not include sodium nitrite and potassium nitrite as in claims 1 and 20.

With regard to claim 20, there is no motivation to combine Komori et al. and Oshiro et al. to lead to the features of the claim. Claim 20 is directed to a method of measuring glycated protein in a sample containing hemoglobin as noted above, and includes specific sulfur-containing compounds and nitrogen-containing compounds.

However, Komori et al. does not disclose or suggest the sulfur-containing compounds and nitrogen-containing compounds recited by claim 20. Furthermore, Komori et al. fails to disclose or suggest eliminating the influence of hemoglobin by adding the compounds of claim 20. Oshiro et al. merely is directed to a method for hemoglobin determination using sodium lauryl sulfate. However, Oshiro et al. is not directed to a method for measuring a glycated protein, and there is no reasonable motivation to combine Oshiro et al. with Komori et al. in leading to the invention of claim 20. For at least the foregoing, claim 20 is allowable over Komori et al. and Oshiro et al.

With regard to claims 1 and 21, there is no motivation to combine Komori et al. with Oshiro et al. Claims 1 and 21 can provide advantages such that the influence of hemoglobin can be prevented without affecting the measurement system. (See for example page 3, lines 12-18 and Examples of Applicants' disclosure). As a result, more accurate determinations can be conducted that are useful for various clinical medicine testing. (Id.) As noted above, Komori et al. fails to disclose or suggest eliminating the influence of hemoglobin by adding the compounds as required by claims 1 and 21. Thus, any combination of Komori et al. with Oshiro et al. is further removed from claims 1 and 21.

Moreover, the art cited does not render the lithium lauryl sulfate aspect of claims 1 and 21 obvious. Neither Komori et al. nor Oshiro et al. disclose or suggest using lithium lauryl sulfate, which is acknowledged in the Office Action. While Oshiro et al. discloses using sodium lauryl sulfate, in a method for hemoglobin determination by converting hemoglobin to methemoglobin, there is no reasonable basis to assume that Oshiro et al. would lead one of skill in the art to the features of claims 1 and 21. Nothing in Oshiro et al. suggests to one of skill to substitute lithium lauryl sulfate for sodium lauryl sulfate as contended in the rejection, and nothing in the reference suggests such benefits that can be derived in doing so. For at least the foregoing, claim 1 and its dependents and claim 21 are allowable.

For at least the foregoing, Applicants respectfully submit that claim 1 and its dependents, and claims 20 and 21 are patentable over Komori et al. and Oshiro et al. taken together or separately.

PAGE 10/11 * RCVD AT 5/7/2007 4:04:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/10 * DNIS:2738300 * CSID:612-455-3801 * DURATION (mm-ss):06-22

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

With the above amendments and remarks, Applicants believe that the pending claims are in a condition for allowance. Favorable consideration in the form of a Notice of Allowance is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Respectfully submitted,

52835
PATENT TRADEMARK OFFICE

HAMRE, SCHUMANN, MUELLER & LARSON, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402-0902
(612) 455-3800

Dated: May 7, 2007

By: _____
Douglas P. Mueller
Reg. No. 30,300
DPM/baw

PAGE 11/11 * RCVD AT 5/7/2007 4:04:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/10 * DNIS:2738300 * CSID:612-455-3801 * DURATION (mm-ss):06-22